

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 23-44760

HEATHER CARTER,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING THE CHAPTER 7 TRUSTEE’S REQUEST FOR SANCTIONS  
AGAINST THE DEBTOR’S ATTORNEY, CONTAINED IN THE TRUSTEE’S  
OBJECTION TO EXEMPTIONS, DENYING THE DEBTOR’S REQUEST FOR  
SANCTIONS AGAINST THE TRUSTEE AND/OR THE TRUSTEE’S ATTORNEY(S),  
AND CANCELLING THE HEARING SCHEDULED FOR FEBRUARY 7, 2024**

This case is before the Court on the Chapter 7 Trustee’s objection to exemptions, filed November 16, 2023 (Docket # 73, the “Exemption Objections”). The Debtor filed a response, objecting to the Exemption Objections, on November 30, 2023 (Docket # 77), and the Trustee filed a reply in support of the Exemption Objections, on December 15, 2023 (Docket # 84). Upon stipulation of the parties, the Exemption Objections were resolved in part, by the Court’s Order filed on December 15, 2023 (Docket # 83). The only unresolved parts of the Exemption Objections are (1) the Trustee’s request for sanctions against the Debtor’s attorney, which was contained in the Exemption Objections; and (2) the Debtor’s request for sanctions “against the Trustee and/or his Counsel,” which was contained in the Debtor’s response to the Exemption Objections.<sup>1</sup>

The Court has reviewed all of the papers filed by the parties relating to the Exemption Objections, and the Court has reviewed all other relevant parts of the record in this case. Currently the unresolved parts of the Exemption Objections are scheduled for a telephonic

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<sup>1</sup> See Debtor’s Resp. to Trustee’s Objection . . . (Docket # 77) at pdf p. 14.

hearing to be held on February 7, 2024 at 9:00 a.m. The Court concludes, however, that the hearing is not necessary, and that good cause exists for the entry of this Order.

Under the circumstances of this case, which the Court has carefully considered, the Court finds and concludes as follows. First, there is not a valid basis, under Fed. R. Bankr. P. 9011, or 28 U.S.C. § 1927, or otherwise, for this Court to sanction the Debtor's attorney. Second, even if there was such a basis for sanctions, the Court would exercise its discretion to deny such sanctions. Third, there is not a valid basis for this Court to sanction the Trustee or the Trustee's attorney(s). Fourth, even if there was such a basis for sanctions, the Court would exercise its discretion to deny such sanctions. For these reasons,

IT IS ORDERED that:

1. The Trustee's request for sanctions against the Debtor's attorney is denied.
2. The Debtor's request for sanctions against the Trustee and/or the Trustee's attorney(s) is denied.
3. This Order, combined with the Order filed December 15, 2023 (Docket # 84), fully resolves the Exemption Objections, and the telephonic hearing currently scheduled for February 7, 2024 at 9:00 a.m. is cancelled.

**Signed on February 6, 2024**



/s/ **Thomas J. Tucker**

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**Thomas J. Tucker**  
**United States Bankruptcy Judge**